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Agenda item 154

Convention on jurisdictional immunities of States and their property

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "Convention on jurisdictional immunities of States and their property" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/78 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Committee considered the item at its 18th, 19th , 22nd and 25th meetings, on 22, 24 and 31 October and 5 November 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.18, 19, 22 and 25). Following the adjournment of the 18th meeting, on 22 October, the Committee held informal consultations to discuss the future course of action it should take on the item.

4. For its consideration of the item, the Committee had before it the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property.[1]

II. Consideration of draft resolution A/C.6/57/L.21

5. At the 22nd meeting, on 31 October, the Chairman of the Sixth Committee, on behalf of the Bureau, introduced a draft resolution entitled "Convention on jurisdictional immunities of States and their property" (A/C.6/57/L.21).

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 22* (A/57/22).

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6. At its 25th meeting, on 5 November, the Committee adopted draft resolution A/C.6/57/L.21 without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on jurisdictional immunities of States and their property

The General Assembly,

Recalling its resolutions 46/55 of 9 December 1991, 49/61 of 9 December 1994, 52/151 of 15 December 1997, 53/98 of 8 December 1998, 54/101 of 9 December 1999, 55/150 of 12 December 2000 and 56/78 of 12 December 2001,

Having considered the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property,[2] established under resolution 55/150,

Noting that only a few issues remain outstanding,

Stressing the importance of uniformity and clarity in the law applicable to jurisdictional immunities of States and their property,

1. *Takes note with appreciation* of the report of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property;[2]

2. *Decides* that the Ad Hoc Committee shall be reconvened from 24 to 28 February 2003 in order to make a final attempt at consolidating areas of agreement and resolving outstanding issues, with a view to elaborating a generally acceptable instrument based on the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission at its forty-third session,[3] and also on the discussions of the open-ended working group of the Sixth Committee and the Ad Hoc Committee and their results,[4] as well as to recommend a form for the instrument;

3. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-eighth session on the outcome of its work;

4. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Convention on jurisdictional immunities of States and their property".

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[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 22* (A/57/22).

[3] *Yearbook of the International Law Commission, 1991*, vol. II, Part Two (United Nations publication, Sales No. E.93.V.9 (Part 2)), document A/46/10, chap. II, para. 28.

[4] See A/C.6/54/L.12 and A/C.6/55/L.12; see also *Official Records of the General Assembly, Fifty-fourth Session, Sixth Committee*, 30th meeting (A/C.6/54/SR.30), and corrigendum; ibid., *Fifty-fifth Session, Sixth Committee*, 30th and 31st meetings (A/C.6/55/SR.30 and 31), and corrigendum; and ibid., *Fifty-seventh Session, Supplement No. 22* (A/57/22). See also ibid., *Sixth Committee*, 18th and 19th meetings (A/C.6/57/SR.18 and 19).